

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY RAY,

Plaintiff,

Case no. 08-15208

HON. JOHN CORBETT O'MEARA

v.

PATRICIA CARUSO, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court having reviewed Magistrate Judge Binder's Report and Recommendation, filed June 24, 2009, as well as any objections thereto filed by the parties, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is accepted and ADOPTED by this Court.

IT IS FURTHER ORDERED that the case be *sua sponte* DISMISSED for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel, filed May 14, 2009, is MOOT.

s/John Corbett O'Meara

United States District Judge

Date: July 22, 2009

Certificate of Service

I hereby certify that the foregoing order was served upon the parties of record on July 22, 2009, by electronic and/or U.S. mail.

s/William Barkholz

Case Manager